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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 ORKID PLAZA, LLC,) NO. CV 14-175 UA
11) (DUTYx)
12 Plaintiff,)
13 v.) ORDER SUMMARILY REMANDING
14) IMPROPERLY-REMOVED ACTION
15 CHONG SOON SEO, and)
DOES 1 THROUGH 10 INCLUSIVE,)
Defendants.)

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17 The Court summarily remands this unlawful detainer action to
18 state court summarily because defendant CHONG SOON SEO
19 ("Defendant") removed it improperly.
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21 On January 8, 2014, Defendant, having been sued in what
22 appears to be a routine unlawful detainer action in California
23 state court, lodged a Notice Of Removal of that action to this
24 Court and also presented an application to proceed in forma
25 pauperis. The Court has denied the latter application under
26 separate cover because the action was not properly removed. To
27 prevent the action from remaining in jurisdictional limbo, the
28 Court issues this Order to remand the action to state court.

1 Simply stated, this action could not have been originally
2 filed in federal court, because the complaint does not competently
3 allege facts supplying either diversity or federal-question
4 jurisdiction, and therefore removal is improper. 28 U.S.C.
5 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S.
6 546, 563 (2005). Defendant's notice of removal only asserts that
7 removal is proper based upon federal question jurisdiction,
8 alleging that the plaintiff violated the Fair Housing Act pursuant
9 to 42 U.S.C. § 3604. (Notice at 2). However, the underlying
10 unlawful detainer action does not raise any federal legal question.
11 Nor does it appear that federal law is a necessary element of any
12 of plaintiff's claims. Moreover, "the existence of a defense
13 based upon federal law is insufficient to support federal-question
14 jurisdiction." Hall v. North American Van Lines, Inc., 476 F.3d
15 683, 687 (9th Cir. 2007) (quoting Wayne v. DHL Worldwide Express,
16 294 F.3d 1179, 1183 (9th Cir. 2002). Finally, defendant has not
17 alleged complete diversity of citizenship between the parties and
18 has not established that the amount in controversy exceeds \$75,000.
19 See 28 U.S.C. § 1332(a). On the contrary, the unlawful-detainer
20 complaint recites that the amount in controversy does not exceed
21 \$10,000.


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23 Defendant is further notified and warned that any subsequent
24 attempts to remove the underlying state unlawful detainer action to
25 this Court will be improper and will constitute vexatious conduct
26 that the Court will address by way of punitive remedial measures,
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1 which may include having defendant designated as a vexatious
2 litigant and barred from commencing any further removal actions
3 with respect to the underlying state unlawful detainer action.
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5 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to
6 the Superior Court of California, County Of Los Angeles, 111 n.
7 Hill Street, Los Angeles, California 90012, for lack of subject
8 matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the
9 Clerk send a certified copy of this Order to the state court; and
10 (3) that the Clerk serve copies of this Order on the parties.
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12 IT IS SO ORDERED.

13 DATED: 1-16-14

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16 GEORGE H. KING
17 CHIEF UNITED STATES DISTRICT JUDGE
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